

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

HATEM NAJI FARIZ
_____ /

**MOTION TO SUPPLEMENT PENDING MOTION FOR RECONSIDERATION
CONCERNING SELF-SURRENDER DATE**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully moves this Court to allow him to supplement his pending motion for reconsideration concerning his self-surrender date (Doc. 1642). As grounds in support, Mr. Fariz states:

1. On October 5, 2006, Mr. Fariz filed a motion with this Court asking to extend his self-surrender date to allow him to complete his current observation of Ramadan prior to reporting to the Bureau of Prisons. (Doc. 1639).
2. On the same day, the government filed a response in opposition contending, among other things, that the U.S. District Court in the Northern District of Illinois had only extended Mr. Fariz' self-surrender date to October 10, 2006, and that "having failed to convince the District Court Judge in the Northern District of Illinois to fully grant the relief he seeks, defendant Fariz has filed a motion in this Court to attempt to convince this Court to grant him until November to self-surrender." (Doc. 1640 at 2, 3).
3. Instead, what had occurred in the Northern District of Illinois, as explained in the attached Affidavit of Luis Galvan, Attorney, Federal Defender Program, Chicago, was

that the government failed to appear for the first hearing set to consider Mr. Fariz' motion to extend his self-surrender date. The District Court in the Northern District of Illinois therefore continued the matter until a full hearing could be heard and set an interim self-surrender date of October 10, 2006. Ultimately, once a full hearing was held, the Court set a new self-surrender date of October 31, 2006.

4. Mr. Fariz respectfully requests the opportunity to supplement his pending motion for reconsideration (Doc. 1642) with the Affidavit of Luis Galvan, which became available on the date of this filing. The Affidavit is attached to this motion as Exhibit A.

MEMORANDUM OF LAW

Federal Rule of Criminal Procedure 47 provides that “[a] motion may be supported by affidavit” and that “[t]he moving party must serve any supporting affidavit with the motion.” Fed. R. Crim. P. 47(b), (d). Mr. Fariz respectfully requests the opportunity to supplement his motion for reconsideration with the Affidavit of Luis Galvan, which became available on the date of this filing. The Affidavit is offered so that the Court has this information in considering Mr. Fariz' motion for reconsideration.

WHEREFORE, Defendant Hatem Naji Fariz respectfully moves this Court to allow him to supplement his pending motion for reconsideration concerning his self-surrender date (Doc. 1642).

Respectfully submitted,

R. FLETCHER PEACOCK
FEDERAL PUBLIC DEFENDER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of October, 2006, a true and correct copy of the foregoing has been furnished by CM/ECF, to Walter Furr, Assistant United States Attorney; and Terry Zitek, Assistant United States Attorney.

/s/ M. Allison Guagliardo
M. Allison Guagliardo
Assistant Federal Public Defender